

Amendments to the Drawings:

The attached five sheets of formal drawings, which include Figs. 1-20, replace the original sheets of informal drawings including Figs.1-20.

No changes have been made to the drawings.

Attachment: Five (5) Replacement Sheets of Drawings

REMARKS

In the Office Action, the drawings were objected to under 37 CFR 1.83(a). Further, claims 1, 4, 5, 8, 11, 14 and 15 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,053,661 to Lewis. Also, claims 3, 4, 6, 7, 9, 10, 12 and 13 were rejected under 35 USC 103(a) as being unpatentable over Lewis.

In response to the Office Action, Applicant has submitted formalized drawings. Applicant notes that in both the original Fig. 3 and the formalized Fig. 3, numeral 128 identifies a notch immediately below surface 118b. Therefore, the objection to the drawings for failure to show every feature specified in the claims is overcome.

Further, in response to the Office Action, Applicant has amended independent claim 1 and has canceled independent claim 15. Also, Applicant has added new independent claims 16 and 21 and has amended previous independent claim 8 to depend from new claim 16. As presently pending, each of the independent claims 1, 16 and 21 require that, unlike Lewis, each block includes an opening that extends vertically between the block's top and bottom faces. As amended, the structure of the blocks provides for use of a support member within a vertical column of juxtaposed blocks. In addition to new independent claims 16 and 21, new dependent claims 17-20 and 22-23 have been added. Further, dependent claims 2, 4-6, 9, and 12 have been amended to correct antecedent bases and to more clearly claim the invention. Also, claims 11 and 14-15 have been canceled. Support for these amendments is found in the specification in Figs. 1-3, and in passages from page 7 at line 17 to page 9 at line 6.

The claim amendments have been presented herein to improve the readability of the claims and to more specifically point out the features that distinguish the present invention over the cited art. Further, the claims now more clearly define the device and method of the present invention. Claims 1-10, 12-13, and 16-23 are now pending.

Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1, 4, 5, 8, 11, 14 and 15 were rejected under 35 USC 102(e) as being anticipated by Lewis, and claims 3, 4, 6, 7, 9, 10, 12 and 13 were rejected under 35 USC 103(a) as being unpatentable over Lewis.

In response to the Office Action, independent claim 1 was amended and new independent claims 16 and 21 were added. As presented herein, these claims require that each block includes an opening that extends between the block's top and bottom faces. This structure results in a vertical passageway in a column of blocks that can receive a support member for structural support.

Unlike the claimed invention, Lewis discloses a block that lacks a vertical opening and lacks the ability to receive a support member within a vertical column of blocks.

In addition to the structural differences between the block required by the independent claims, Applicant notes that claims 18-20 and 23 require additional structural limitations not disclosed by Lewis. Specifically, claim 18 requires a slot formed in the raised portion and a corresponding tab formed in the recessed portion.

Further, claim 19 requires that the slot, tab, groove and tongue be co-planar. Also, claims 20 and 23 require that the first end wall include a vertical cutout extending through the top and bottom faces to allow the insertion of a support element into the passageway of a column of juxtaposed blocks. None of these structural elements are disclosed by Lewis.

Furthermore, the Office Action acknowledges that the required radii of curvature in claims 2-3, 5-10, and 12-13 are not disclosed by Lewis. In the application, it is explained that the specified radii of curvature result in a cooperation of structure between juxtaposed and adjacent blocks to provide hinge joints between such blocks. As a result, blocks connected with hinge joints are able to accommodate minor vibrations without joint rupture, such as the vibration that may occur during a moderate to strong earthquake. (Page 5, lines 11-16). This critical feature further distinguishes the claimed invention from the disclosure of Lewis.

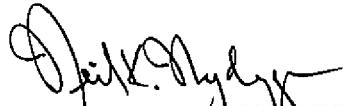
In light of the arguments presented above, Attorney for Applicants respectfully submits that the cited reference fails to disclose or suggest the claimed invention. Consequently, Applicants contend that claims 1-10, 12-13, and 16-23 are not anticipated and nonobvious with respect to the cited reference.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicants respectfully assert that claims 1-10, 12-13, and 16-23 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 24<sup>th</sup> day of January, 2007.

Respectfully submitted,



NEIL K. NYDEGGER  
Attorney for Applicant  
Registration No. 30,202  
Customer No. 23862

NYDEGGER & ASSOCIATES  
348 Olive Street  
San Diego, California 92103  
Telephone: (619) 688-1300